

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
SEC Summit Avenue & Acre Ct.
3017 Summit Avenue
11th Election District
4th Councilmanic District
William H. Robbins, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-355-A
*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 1802.3.B Baltimore County Zoning Regulations (B.C.Z.R.), to allow an addition on a corner lot with a side yard setback of 15 ft. in lieu of the required 25 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for a Residential Variance, the subject property, known as 3017 Summit Avenue, zoned D.R. 5.5, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioners are requesting a variance to allow an addition to their house that is on a corner lot with a side yard setback of 15 ft. in lieu of the required 25 ft.

The Petitioners have filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is no evidence in the file or record to indicate that the subject variance would adversely affect the health, safety and/or general welfare of the public.

In the opinion of the Zoning Commissioner, it is established that the information and affidavits provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners. Based upon the information available, the relief should be granted.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of May, 1991 that the Petition for a Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 1802.3.B Baltimore County Zoning Regulations (B.C.Z.R.), to allow an addition on a corner lot with a side yard setback of 15 ft. in lieu of the required 25 ft., in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall not allow or cause the addition to be converted to a second dwelling unit and/or apartment.
3. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection

-2-

of the subject property to insure compliance with this Order.

J. Robert Haines
JOHN ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH/mmm

ORDER RECEIVED FOR FILING
Date 5/1/91
By JRH/mmm

-3-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

April 29, 1991

Mr. and Mrs. William H. Robbins
3017 Summit Avenue
Baltimore, Maryland 21234

RE: Petition for Residential Zoning Variance
Case No. 91-355-A

Dear Mr. Robbins:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
JOHN ROBERT HAINES
Zoning Commissioner

JRH:mmm
encl.
cc: Peoples Counsel

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

1802.3.B (211.3) — To allow an addition on a corner lot with a side yard setback of 15 feet in lieu of the required 25 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty)

WANTING TO PUT A ~~ROOM~~ ON SIDE OF HOUSE SITUATED ON CORNER PROPERTY.
It could not fit anywhere else on property

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioners:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

WILLIAM H. ROBBINS

(Type or Print Name)

Signature

JOY S. ROBBINS

(Type or Print Name)

Signature

Address

3017 SUMMIT AVENUE

BALTIMORE, MARYLAND

City/State/Zip Code

21234

Home, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 15th day of MAR, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be requested, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 15th day of MAR, 1991, at 10 o'clock, AM.

J. Robert Haines
JOHN ROBERT HAINES
ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 15th day of MAR, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be requested, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 15th day of MAR, 1991, at 10 o'clock, AM.

ORDER RECEIVED FOR FILING

Date

By

ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at
3017 SUMMIT AVENUE, BALTIMORE, MARYLAND 21234
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

CORNER PROPERTY

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

William H. Robbins
AFFIANT (Handwritten Signature)

WILLIAM H. ROBBINS
AFFIANT (Printed Name)

Joy S. Robbins
AFFIANT (Handwritten Signature)

JOY S. ROBBINS
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3rd day of March, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

William H. Robbins and Joy S. Robbins

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

March 3, 1991
DATE

Karen F. Clarke
NOTARY PUBLIC

My Commission Expires: 3/1/92

ZONING DESCRIPTION

Beginning at a point on the south side of Summit Avenue which is 40 feet wide at the distance of 25 feet east of the centerline of the nearest improved intersecting street, Acre Court which is 50 feet wide. Being Lot #13, Block , Section #1 in the subdivision of Homeacres as recorded in Baltimore County Plat Book #29, Folio #127, containing 9,135 square feet. Also known as 3017 Summit Avenue and located in the 11th Election District.

91-355-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 11th Date of Posting 3/26/91
Posted for Mr. Robbins
Petitioner William H. Robbins and Joy S. Robbins
Location of property 3017 Summit Avenue, Towson, Md. 21234
Location of Sign 3017 Summit Avenue, Towson, Md. 21234
Remarks See above
Posted by William H. Robbins Date of return 4/1/91
Number of Signs 1

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

March 28, 1991

Mr. & Mrs. William H. Robbins
3017 Summit Avenue
Baltimore, Maryland 21234

Re: CASE NUMBER: 91-355-A
LOCATION: SEC Summit Avenue and Acre Court
3017 Summit Avenue

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before April 3, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is April 18, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens

G. G. Stephens
(301) 887-3391

File Copy

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

April 8, 1991

Mr. & Mrs. William H. Robbins
3017 Summit Avenue
Baltimore, MD 21234

RE: Item No. 349, Case No. 91-355-A
Petitioner: William H. Robbins, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Robbins:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
15th day of March, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: William H. Robbins, et ux

Petitioner's Attorney:

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

MARCH 28, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: WILLIAM H. ROBBINS

Location: #3017 SUMMIT AVENUE

Item No.: 349 Zoning Agenda: APRIL 2, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 22

REVIEWER: *John J. Kelly* 4/4/91
Planning Group
Special Inspection Division

Noted and
Approved: *Robert W. Bowling* 4/4/91
Fire Prevention Bureau

JK/KEK

received
4/4/91

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 4, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for April 2, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 349, 350, 351, 352, 353 and 354.

For Items #9, Cycle IV (R-91-115) and 355, a County Review Group Meeting may be required for each site.

For Item 289, the site is subject to comments by the Maryland State Highway Administration.

ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

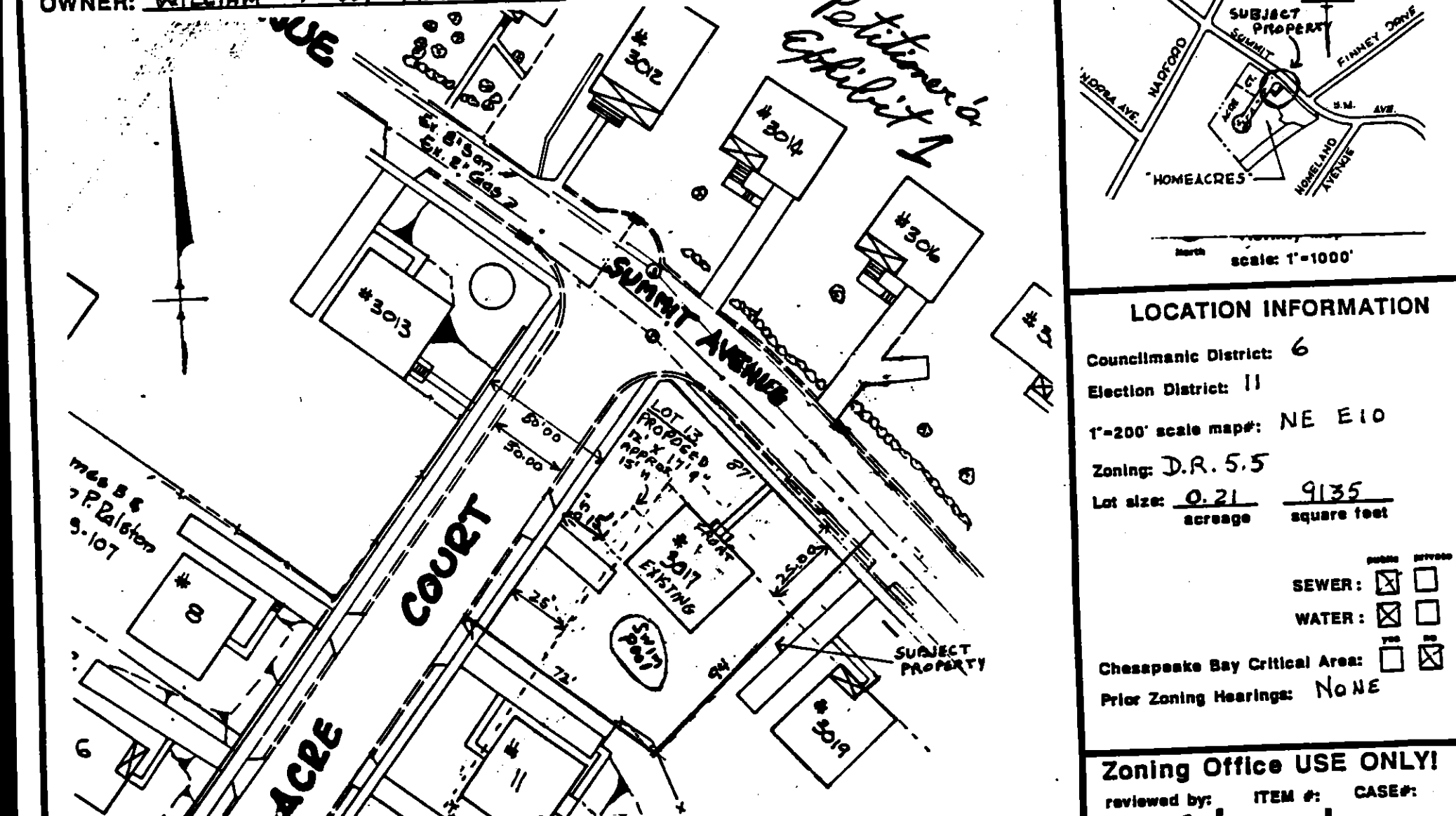
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 3017 SUMMIT AVENUE see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: HOMEACRES 91-355-A

plat book # 23 lot # 12, lot # 13, section 1

OWNER: WILLIAM & JOY ROBBINS



date: prepared by: JOY ROBBINS Scale of Drawing: 1"= 50'

LOCATION INFORMATION

Councilmanic District: 6

Election District: 11

1"=200' scale map: NE E10

Zoning: D.R. 5.5

Lot size: 0.21 acre

9135 square feet

SEWER: ☒ WATER: ☒

Chesapeake Bay Critical Area: ☒

Prior Zoning Hearings: No NE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

349

CASE NUMBER **91-355-A**

3017 Summit Ave. cr Acre Ct.
Proposed Addition

PETITIONER'S EXHIBIT # 2



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1966

LOCATION
CARNEY

SHEET
N.E.
10-E

91-355-A

Item
#349